



# **FREDERICK COUNTY PLANNING COMMISSION**

## **September 13, 2017**

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**TITLE:** **Royal Farms Store #307**

**FILE NUMBER:** **SP-96-19(AP #17323, APFO#17324, FRO #17325**

**REQUEST:** **Site Development Plan Approval**

The Applicant is requesting Site Development Plan and Adequate Public Facilities (APFO) approval for a 4,756 square foot convenience store, 14 fueling positions with a 4,704 square foot canopy and a 1,248 square foot accessory car wash, on a 1.34-acre site.

### **PROJECT INFORMATION:**

**ADDRESS/LOCATION:** 7402 Shockley Drive, located at the northeast corner of MD 85 and Shockley Drive.

**TAX MAP/PARCEL:** Tax Map 86, Parcel 194  
**COMP. PLAN:** General Commercial (GC)  
**ZONING:** General Commercial (GC)  
**PLANNING REGION:** Frederick  
**WATER/SEWER:** W-1/S-1

### **APPLICANT/REPRESENTATIVES:**

**APPLICANT:** Royal Farms  
**OWNER:** Royal Farms  
**ENGINEER:** Dewberry  
**ARCHITECT:** N/A  
**ATTORNEY:** N/A

**STAFF:** Tolson DeSa, Zoning Administrator

**RECOMMENDATION: Conditional Approval**

### **ATTACHMENTS:**

Exhibit 1-Royal Farms Store #307 Site Plan Rendering  
Exhibit 2-Royal Farms Modification Justification Statement  
Exhibit 3-Royal Farms Letter of Understanding (LOU)

# STAFF REPORT

## ISSUE

### Development Request

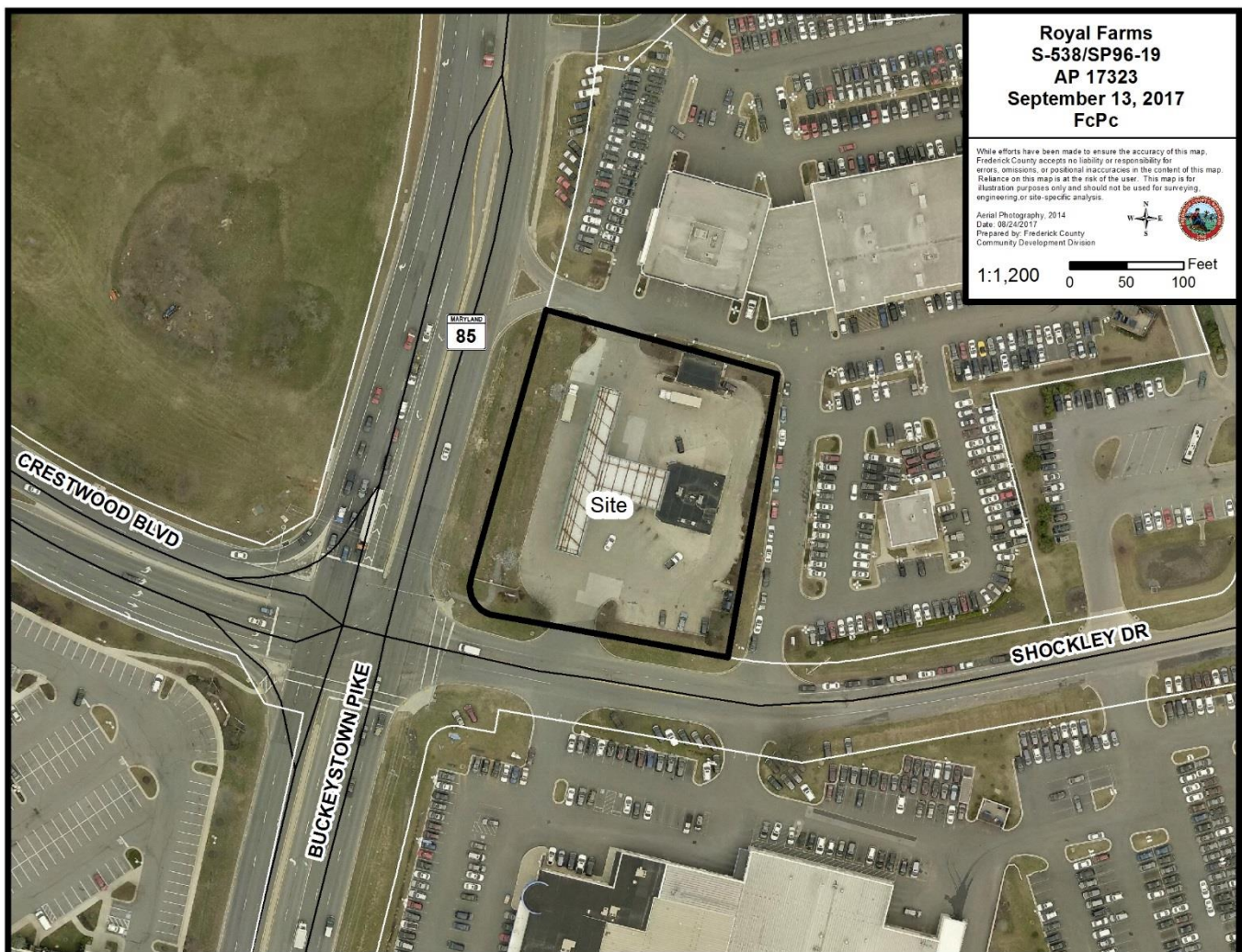
The Applicant is requesting site plan and APFO approval for a 4,756 square foot convenience store, 14 fueling positions with a 4,704 square foot canopy and a 1,248 square foot accessory car wash, on a 1.34-acre site. The proposed use is being reviewed as a "Convenience store" land use under the heading of *Commercial Uses – Retail* per §1-19-5.310 Use Table in the Zoning Ordinance and is a principal permitted use in the General Commercial Zoning District subject to site development plan approval.

## BACKGROUND

### Development History

This site had prior site plan approval for a 3,500 square foot convenience store with 12 fueling positions and a car wash and is now being redeveloped into a 4,756 square foot convenience store, 14 fueling positions with a 4,704 square foot canopy and a 1,248 square foot accessory car wash (see Graphic #1 below).

Graphic #1: Royal Farms Site Aerial



**Royal Farms Store #307**

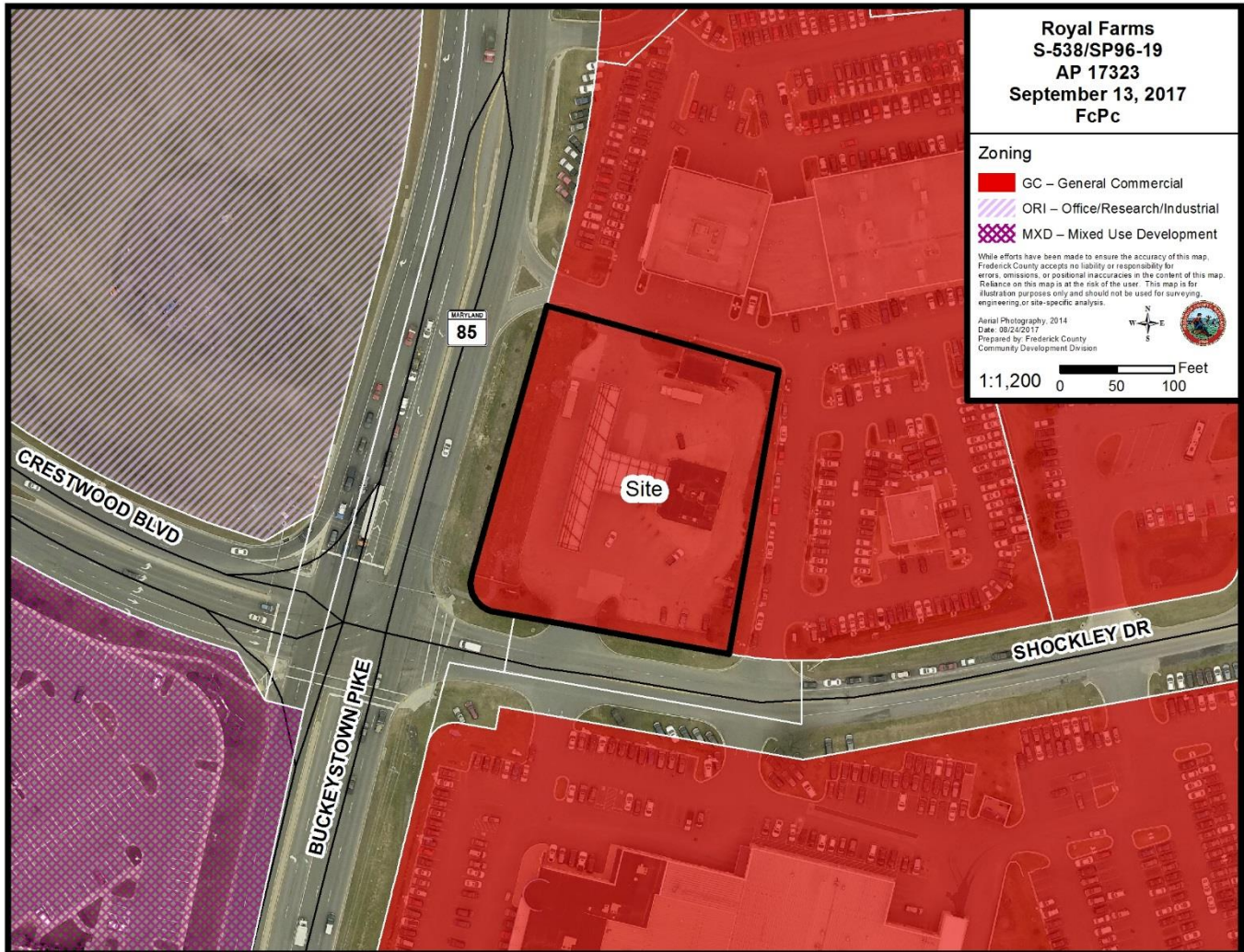
September 13, 2017



### Existing Site Characteristics

The site is currently zoned General Commercial (GC), and is developed with a 3,500 sq. ft. convenience store with 12 fueling positions and a car wash. The existing site and all structures will be razed and reconstructed with the proposed Royal Farms Store. The properties to the north, south and east of the site are zoned GC and are developed with car dealerships. The properties to the west are zoned Office, Research Industrial (ORI) and Mixed Use Development (MXD) and are developed with a corporate data center and the Westview Entertainment Retail Complex respectively, see Graphic #2 below.

Graphic #2: Royal Farms Zoning Map



## ANALYSIS

### Summary of Development Standards Findings and Conclusions

The site of this proposed Royal Farms convenience store and filling station is located in the General Commercial, GC zoning district and must comply with the general Site Plan Review criteria (Section 1-19-3.300.4).

Key issues related to the proposed Site Plan include:

- Building orientation, massing, and general architectural design
- Coordination of SHA MD 85 improvements with the proposed Royal Farms Store construction
- Establishment of a street façade that addresses MD 85
- Maximizing the efficiency of the internal circulation on the site
- Managing multiple auto-oriented uses on a high traffic parcel while maintaining a safe and convenient pedestrian environment
- Managing driveway access from this site onto the public street network
- Seeking safe pedestrian access across the site
- Encouraging a functional and coordinated approach to signage on the site

Staff worked with the Applicant to refine the Site Development Plan for this project and provide for an adequately functional project.

#### Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County zoning ordinance.

**Site Development §1-19-3.300.4 (A):** *Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*

#### Findings/Conclusions

1. **Dimensional Requirements/Bulk Standards §1-19-6.100:** The proposed Site Development Plan adheres to the lot dimensions required for a Commercial Use in the General Commercial Zoning District.

The proposed setbacks for the convenience store are the following:

	<u>Required</u>	<u>Proposed</u>
Minimum Lot Area	12,000	58,240
Minimum Lot Width	100'	266'
Front Yard-MD 85	25'	137'
Front Yard-Shockley Dr.	25'	75'
Side Yard	8'	64'
Rear Yard	N/A	N/A
Max Building Height	60'	25'

2. **Signage §1-19-6.300:** The Applicant is permitted to have 139.1 square feet of total signage based on the lengths of the facades facing the two public streets (MD 85 and Shockley Drive), and the façade length of the accessory car wash. The signage calculation is listed in the signage note on Sheet 1 of the site plan. The Applicant intends to utilize the total 138.9 square feet of allotted signage. The total proposed amount of signage meets the requirements of the zoning ordinance.

**3. Landscaping §1-19-6.400:** The Applicant has submitted a landscape plan, see sheets 12 & 13 of 16.

In accordance with §1-19-6.400.A.1, the Applicant is required to provide 14 total street trees, there are 7 existing trees along MD 85 and the Applicant is proposing 7 street trees along Shockley Drive. Due to sight distance and street tree location factors the Applicant is seeking a modification in order to permit the street trees to be located elsewhere on site, see Exhibit #2.

The site contains 7 existing street trees along MD 85. SHA is under contract for Phase 1 of the I-270 Interchange Reconstruction Project, and one of that plan's components will be adding sidewalks along the MD 85 frontage of this site. The Applicant intends to retain the 7 existing street trees along the MD 85 frontage, these trees may be removed and replaced with equivalent or better shade tree species as part of the SHA MD 85 widening.

The Applicant is required to provide 20% canopy cover over the parking area; the Applicant has proposed 21.6% canopy coverage over the parking area. Therefore, the landscape plan complies with the requirements of §1-19-6.400.D.2.

In accordance with §1-19-6.400.D.1, the Applicant is required to provide 1 tree at least 6 feet in height at the time of planting and groundcover containing at least two shrubs for every 100 square feet of landscape island. The Applicant is seeking a modification to permit an alternative location for this 1 tree to be location to the rear of the site. The island that is proposed to be modified is located to the south of the main entrance to the building and contains three shrubs.

**4. Lighting §1-19-6.500:** The Applicant has proposed a lighting plan, which is shown on Sheets 14-16 of the site plan. The Applicant is proposing eight 19 foot tall light poles, and 16 fuel canopy mounted lights. In regard to off-site spillage, the lighting plan adheres to the requirements of §1-19-6.500. In accordance with §1-19-6.500.G, the Applicant is seeking a modification to permit light pole heights of 19', a 1' increase over the required 18' light pole heights (see Exhibit #2). The Applicant states that the 19' light poles are the standard Royal Farms typical lighting module and are essential for ease of maintenance and management. The increased height is consistent with the surrounding commercial uses.

**Modifications:**

1. In accordance with §1-19-6.400.A.1, the Applicant is seeking a landscaping modification to allow the relocation of 3 of the required street trees to alternative locations on the site.
2. In accordance with §1-19-6.400.D.1, the Applicant is seeking a modification to permit an alternative location for a landscaped island shade tree to be located to the rear of the site.
3. In accordance with §1-19-6.500.G, the Applicant is seeking a modification to permit light pole heights of 19', a 1' increase over the required 18' light pole heights.

***Transportation and Parking §1-19-3.300.4 (B):*** *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

## **Findings/Conclusions**

1. **Access/Circulation:** The site has three full movement access points. The MD 85 access is an offset shared right-in-right out movement with DarCars Toyota. The MD 85 right-in/right-out leads to a 40' wide internal access road that travels along the Royal Farms' northern and eastern property boundaries and connects to Shockley Drive. The Royal Farms site has proposed a new 24' wide dual movement access off of the internal access drive to the east. The site also proposes a 38' wide full movement access off of Shockley Drive.
2. **Connectivity §1-19-6.220 (F):** The site has excellent inter-parcel connectivity, in the form of a shared 40' wide internal access drive that connects Shockley Drive and MD 85. The access road provides access to the DarCars Toyota site to the north as well as access into Royal Farms.
3. **Public Transit:** This site is served by the #10 Mall to Mall Connector and the Route 85 Shuttle (Monday – Friday only) with a stop located nearby along Crestwood Blvd. at the Westview Promenade.
4. **Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:** In accordance with Z.O. § 1-19-6.220.A. (4), the parking target for "Convenience Store/Fueling Station" is 1 space per 300 sf of floor area excluding storage.

Therefore, the target number of parking spaces is 16 with 1 ADA accessible space. The Applicant has provided 43 vehicle parking spaces, including 2 ADA spaces.

The Applicant must request a modification under Section 1-19-6.220(A)(1) to allow for 29 additional parking spaces on this site (see Exhibit #2). The Applicant has stated that the proposed uses, including convenience store, fresh kitchen, fuel pumps, restrooms, and car wash all contribute towards the need for the additional 29 parking spaces.

**(a) Loading:** The Applicant is required to provide 1 small loading space in accordance with Z. O. § 1-19-6.210 for the 4,756 square foot building. The Applicant is providing 1 small loading space adjacent to the proposed car wash. This application meets the loading space requirements per §1-19-6.210.

5. **Bicycle Parking §1-19-6.220 (H):** In accordance with Z.O. §1-19-6.220.H, commercial structures under 5,000 square feet in size are not required to provide bike racks. The Applicant has provided 2 bike racks between the proposed convenience store and car wash. A note has been added to the plan to require that the bicycle parking meet the standards of the Frederick County Bicycle Design Guide.
6. **Pedestrian Circulation and Safety §1-19-6.220 (G):** Pedestrian access and connectivity is greatly increased with this proposed plan. Staff worked with the Applicant in order to provide safe and efficient pedestrian connectivity from MD 85 and Shockley Drive into the site. SHA adding sidewalks along the site's MD 85 frontage as part of the MD 85 Phase I project, currently underway. As part of this proposed plan the Applicant will construct 5' wide sidewalks along the Shockley Drive frontage as well as along the internal shared access road. The Applicant has designed thermoplastic crosswalks, which will provide safe pedestrian access to Shockley Drive.

### **Modification:**

1. In accordance with Z.O. §1-19-6.220.A.1 the Applicant is seeking a parking space modification to increase the number of proposed parking spaces by 29 spaces over the target of 16 for a total of 45 parking spaces, including 2 handicapped accessible spaces.

**Public Utilities §1-19-3.300.4 (C):** *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

#### **Findings/Conclusions**

1. **Public Water and Sewer:** The site is to be served by public water and sewer and is classified W-1, S-1. The site will be served by water coming from New Design Road Water treatment plant and sewer flowing into the Ballenger McKinney Wastewater treatment plant.

**Natural features §1-19-3.300.4 (D):** *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

#### **Findings/Conclusions**

1. **Topography:** The site is level with MD 85 and Shockley Drive.
2. **Vegetation:** The site consists of a construction-ready, fully stabilized site within a designated Community Growth Area. The proposed Site Plan will maintain the general grade of the existing lot.
3. **Sensitive Resources:** The site does not contain wetlands, FEMA floodplain, flooding or wet soils.
4. **Natural Hazards:** There are no natural hazards located on site.

**Common Areas §1-19-3.300.4 (E):** *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

#### **Findings/Conclusions**

1. **Proposed Common Area:** The Site is a place of business; there are no common areas proposed or required.

#### **Other Applicable Regulations**

**Moderately Priced Dwelling Units – Chapter 1-6A:** The proposed use is non-residential; therefore, MPDUs are not required.

**Stormwater Management – Chapter 1-15.2:** A combined stormwater concept/development improvement plan has been submitted, and is currently under review, see AP 17626.

**APFO – Chapter 1-20**, see Exhibit #3:

1. **Schools.** This Site is a non-residential use and is therefore exempt from school testing.
2. **Water/Sewer.** The Property has a water and sewer classification of W-1/S-1. While the public sewer and water facilities are currently adequate to serve the project, the Developer recognizes that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that plats will be recorded and building permits will be issued. Plat recordation and building permit issuance are subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et. seq and all applicable county regulations, including but not limited to § 1-16-106 of the Frederick County Subdivision Regulations.
3. **Roads.** As proposed in the traffic impact analysis (TIA) performed by Lenhart Traffic Consulting, Inc. dated April 18, 2017 and updated June 8, 2017, the Project will generate 232 am and 267 pm weekday peak hour driveway trips (41 am and 38 pm net new external trips over the current use) and is required to mitigate all road improvements that do not satisfy level of service standards per §1-20-31. No constructed improvements are required to achieve adequate levels of service.

However, in satisfaction of APFO requirements to provide fair share contributions to existing escrow accounts per §1-20-12(H), the Developer shall pay into County-held escrow accounts.

Prior to building permit issuance, the Developer hereby agrees to pay \$64,943 to the escrow accounts described above for these Road Improvements. Should these payments not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

Period of Validity: The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on September 13, 2020.

**Forest Resource – Chapter 1-21:** A Combined Preliminary/Final FRO plan was submitted for review and has been approved by Staff. The site contains no forest or specimen trees. The Applicant has met the 0.20 acre afforestation requirement by paying fee-in-lieu.

**Historic Preservation – Chapter §1-23:** There are no sensitive historic resources on this property.

**Summary of Agency Comments**

<b>Other Agency or Ordinance Requirements</b>	<b>Comment</b>
<b>Development Review Engineering (DRE):</b>	Conditional Approval
<b>Development Review Planning:</b>	Hold: Address all agency comments as the plan proceeds through to completion.
<b>State Highway Administration (SHA):</b>	Approved.
<b>Div. of Utilities and Solid Waste Mngt. (DUSWM):</b>	Approved.
<b>Health Dept.</b>	N/A
<b>Office of Life Safety</b>	Approved.
<b>DPDR Traffic Engineering</b>	Conditional Approval
<b>Historic Preservation</b>	N/A



## **RECOMMENDATION**

Staff has no objection to conditional approval of the site development plan and APFO approval for a 4,756 square foot convenience store, 14 fueling positions with a 4,704 square foot canopy and a 1,248 square foot accessory car wash, on a 1.34-acre site. If the Planning Commission conditionally approves the site plan, the site plan and APFO are valid for a period of three (3) years from the date of Planning Commission approval, or until September 13, 2020.

Based upon the findings and conclusions as presented in the staff report, the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

1. Address all agency comments as the plan proceeds through to completion.
2. The Applicant shall fully execute the obligations within the Royal Farms Letter of Understanding (LOU).

Planning Commission approval of the following modification requests:

- a) In accordance with §1-19-6.400.A.I, the Applicant is seeking a landscaping modification to allow the relocation of 3 of the required street trees to alternative locations on the site.
- b) In accordance with §1-19-6.400.D.1, the Applicant is seeking a modification to permit an alternative location for a landscaped island shade tree to be location to the rear of the site.
- c) In accordance with §1-19-6.500.G, the Applicant is seeking a modification to permit light pole heights of 19', a 1' increase over the required 18' light pole heights.
- d) In accordance with Z.O. §1-19-6.220.A.1 the Applicant is seeking a parking space modification to increase the number of proposed parking spaces by 29 spaces over the target of 16 for a total of 45 parking spaces, including 2 handicapped accessible spaces.

## **PLANNING COMMISSION ACTION** **MOTION TO APPROVE**

I move that the Planning Commission **APPROVE** Site Plan SP-96-19, AP 17323 **with conditions** as listed in the staff report **including APFO approval** for the proposed 4,756 square foot convenience store, 14 fueling positions with a 4,704 square foot canopy and a 1,248 square foot accessory car wash, on a 1.34-acre site, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.





Dewberry Consultants LLC  
321 Ballenger Center Drive, Suite 103  
Frederick, MD 21703-4565  
301.663.3158  
301.663.3679 fax  
www.dewberry.com

June 8, 2017

Frederick County Government  
Division of Planning and Permitting  
*Development Review Planning*  
30 N. Market Street  
Frederick, MD 21701

**RE: Royal Farms #307 (Shockley Drive) – Site Plan (A/P#17323)  
Modification Request**

Dear Reviewer,

On behalf of our client, Royal Farms, we respectfully submit for consideration by the Planning Commission this request for modifications to requirements set forth in the Frederick County Zoning Ordinance. In addition we are providing justification for each requested modification.

**1. Parking Modification**

Pursuant to §1-19-6.200 of the Zoning Ordinance, permanent off-street parking is required as part of any proposed improvement to real property or structures. An applicant may request that the Planning Commission approve a modification to the requirements of § 1-19-6.200(B), § 1-19-6.210(A) or that the Zoning Administrator or Planning Commission authorized representative approve a modification to the requirements of § 1-19-6.210(B) of this section. The applicant's request shall include written justification describing why fewer or smaller loading spaces are adequate for the proposed use.

**Request / Justification:** Provide twenty-nine (29) additional spaces above the fourteen (14) required (for a total of forty-three (43) spaces) be approved to accommodate the proposed uses(s). The proposed uses, including convenience store, fresh kitchen, fuel pumps, restrooms and car wash will likely generate the need for more spaces than that generated by the Business / Commercial category within the County Zoning Ordinance.

**2. Parking Lot Tree – alternate location**

Pursuant to §1-19-6.400 (D) of the Zoning Ordinance, Parking areas shall be separated into bays with an average of no more than 10 parking spaces. Each parking bay shall contain no more than 15 continuous parking spaces. Between or at the end of each bay of parking spaces there shall be a planting area of at least 5 feet in width. Each planting area shall contain 1 tree at least 6 feet in height at the time of planting and groundcover containing at least two shrubs for every 100 square feet of landscape area. The Planning Commission may modify the minimum landscaping, buffering, and screening standards where a specific finding is made that the required standards result in a practical difficulty, and where an alternate landscaping, buffering, and screening plan is approved by the Planning Commission.

**Request / Justification:** Of the seven (7) shade trees required to provide the required twenty (20)-percent parking lot coverage, it is requested that one tree be located at an alternate location of the site. Although not located in a parking lot island, the tree will be located within proximity of the parking lot.

### 3. Street Tree Modification

Pursuant to §1-19-6.400(A) of the Zoning Ordinance, one (1) street tree must be provided for every 35 feet of roadway frontage along the paved surface of an existing or proposed public right of way. If the number of required street trees cannot be accommodated within the public right of way and alternative planting design may be approved by the Planning Commission.

**Request / Justification:** A total of Seven (7) street trees are required along the total public right of way of Shockley Drive which totals approximately two hundred twenty eight (228) linear feet. Due to sight distance and street tree location requirements set forth in the *Guidelines for Traffic Control Devices, Street Lights and Street Trees for New Developments*, the right of way cannot accommodate the required trees. We request a modification to provide these trees at other locations throughout the site.

### 4. Light pole height to 19' (1' increase over maximum of 18')

Pursuant to §1-19-6.500 (B)(2) of the Zoning Ordinance, Pole and building mounted lighting shall not exceed a maximum height of 18 feet for commercial uses. The Planning Commission may modify the lighting standards within this section based on characteristics of the proposed use, photometric studies, nationally recognized standards, or other documentation as approved by the Planning Commission.

**Request / Justification:** The applicant has a standard lighting package which includes nineteen (19)-foot tall pole lights. This has been established for their prototypical layouts for ease and standardization of the maintenance and management of all locations. This increase in height is not inconsistent with surrounding uses.

If you have any questions or concerns related to our understanding written above, or any of the submitted documents, please do not hesitate to contact me at your convenience.

Sincerely,



William 'KC' Reed, PE  
Associate / Project Manager

Cc: Jack Whisted, Royal Farms  
Jennifer Leonard, Dewberry



**FREDERICK COUNTY GOVERNMENT**  
**DIVISION OF PLANNING & PERMITTING**

Jan H. Gardner  
*County Executive*

Steven C. Horn, *Division Director*

**ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING**

**Royal Farms Store #307**

*Site Plan #SP 96-19, APFO AP #17324*

**In General:** The following Letter of Understanding ("**Letter**") between the Frederick County Planning Commission ("**Commission**") and Royal Farms (the "**Developer**"), together with its/their successors and assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as proposed under the Royal Farms Store #307 Site Plan (the "**Project**"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("**APFO**").

The Developer, its successors and assigns, hereby agrees and understands that unless the required improvements (or contributions to road escrow accounts, as specified below) are provided in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer's 1.34 +/- acre re-use of a parcel of land, which is zoned GC – General commercial, and situated on Harding Farm Lot 2D, Section 4, located at the northeast quadrant of MD 85 and Shockley Drive. This APFO approval will be for the development of a 4,756 square foot convenience store/filling station with accessory car wash and fourteen fueling positions, which is shown on the site plan for the above-referenced Project, which was conditionally approved by the Commission on September 13, 2017.

**Schools:** Schools are not impacted because this is a commercial development

**Water and Sewer:** The Property has a water and sewer classification of W-1/S-1. While the public sewer and water facilities are currently adequate to serve the project, the Developer recognizes that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that plats will be recorded and building permits will be issued. Plat recordation and building permit issuance are subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et. seq and all applicable county regulations, including but not limited to Sec. 1-16-106 of the Frederick County Subdivision Regulations.

**Road Improvements:** As proposed in the traffic impact analysis (TIA) performed by Lenhart Traffic Consulting, Inc. dated April 18, 2017 and updated June 8, 2017, the Project will generate 232 am and 267 pm weekday peak hour driveway trips (41 am and 38 pm net new external trips over the current use) and is required to mitigate all road improvements that do not satisfy level of service standards per §1-20-31. No constructed improvements are required to achieve adequate levels of service.

*Frederick County: Rich History, Bright Future*  
30 North Market Street, Frederick, MD 21701 • 301-600-1138 • Fax 301-600-1645  
[www.FrederickCountyMD.gov](http://www.FrederickCountyMD.gov)



However, in satisfaction of APFO requirements to provide fair share contributions to existing escrow accounts per §1-20-12(H), the Developer shall pay into County-held escrow accounts the following pro rata contributions:

1. Escrow Account No. 3307 for a signal at the intersection of New Design Rd/Crestwood Blvd - The estimated cost of the improvement is \$158,166. The Developer's proportionate share of this Road Improvement is 0.45%. Therefore the Developer hereby agrees to pay \$712 to the escrow account for this Road Improvement.
2. Escrow Account No. 3306 for a new southbound right turn lane at the intersection of New Design Rd/Crestwood Blvd - The estimated cost of the improvement is \$241,000. The Developer's proportionate share of this Road Improvement is 0.56%. Therefore the Developer hereby agrees to pay \$1,350 to the escrow account for this Road Improvement.
3. Escrow Account No. 3282 for an additional northbound through lane at the intersection of Crestwood Blvd/MD 85 - The estimated cost of the improvement is \$1,158,300. The Developer's proportionate share of this Road Improvement is 3.30%. Therefore the Developer hereby agrees to pay \$38,224 to the escrow account for this Road Improvement.
4. Escrow Account No. 3764 for eastbound and westbound right turn lanes at the intersection of New Design Rd/Corporate Blvd - The estimated cost of the improvement is \$587,364. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.35%. Therefore the Developer hereby agrees to pay \$2,056 to the escrow account for this Road Improvement.
5. Escrow Account No. 3253 for a signal at the intersection of MD 85/English Muffin Way - The estimated cost of the improvement is \$73,176. The Developer's proportionate share of this Road Improvement is 0.26%. Therefore the Developer hereby agrees to pay \$190 to the escrow account for this Road Improvement.
6. Escrow Account No. 3761 for a second eastbound left turn lane at the intersection of MD 85/English Muffin Way - The estimated cost of the improvement is \$104,888. The Developer's proportionate share of this Road Improvement is 0.59%. Therefore the Developer hereby agrees to pay \$619 to the escrow account for this Road Improvement.
7. Escrow Account No. 3976 for a second northbound left turn lane on MD 85 at Guilford Drive - The estimated cost of the improvement is \$439,527. The Developer's proportionate share of this Road Improvement is 0.76%. Therefore the Developer hereby agrees to pay \$3,340 to the escrow account for this Road Improvement.
8. Escrow Account No. 4025 for an additional southbound through lane at the intersection of MD 85/Spectrum Drive - The estimated cost of the improvement is \$1,474,010. The Developer's proportionate share of this Road Improvement is 1.20%. Therefore the Developer hereby agrees to pay \$17,688 to the escrow account for this Road Improvement.
9. Escrow Account No. 4292 for a pedestrian improvement at the intersection of MD 85 and Grove Road - The estimated cost of improvement is \$98,000. The Developer's proportionate share of this Road Improvement is 0.78%. Therefore the Developer hereby agrees to pay \$764 to the escrow account for this Road Improvement.

Therefore, prior to building permit issuance, the Developer hereby agrees to pay \$64,943 to the escrow accounts described above for these Road Improvements. Should these payments not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

**Period of Validity:** The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on September 13, 2020.

**Disclaimer:** This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

**Royal Farms:**

By:  \_\_\_\_\_  
Jack Whisted, Senior Corporate Engineer

Date: 8/7/17

**FREDERICK COUNTY PLANNING COMMISSION:**

By: \_\_\_\_\_  
William Hopwood, Chair or Robert White, Secretary

Date: \_\_\_\_\_

**ATTEST:**

By: \_\_\_\_\_  
Gary Hessong, Director, Permits & Inspections

Date: \_\_\_\_\_

Planner's Initials / Date \_\_\_\_\_  
(Approved for technical content)

County Attorney's Office Initials / Date \_\_\_\_\_  
(Approved as to legal form)